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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,240	12/05/2003	Marvin V. Manwaring	DP-306905 (60,408-427)	9185

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EXAMINER

GOODEN JR, BARRY J

ART UNIT	PAPER NUMBER
3616	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,240

Applicant(s)

MANWARING ET AL.

Examiner

Barry J. Gooden Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/23/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "68" and "94". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "54". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not

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accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

At page 2, paragraph 5, line 2 "an" should be inserted following "about".

At page 2, paragraph 7, line 8 "a" should be inserted following "along".

At page 4, paragraph 20, line 7 "second end" is mislabeled as "22" replace "22" with "26".

At page 4, paragraph 20, line 8 "flanges" should be replaced with "flange".

At page 5, paragraph 21, line 4 "50" should be replaced with "52".

At page 5, paragraph 21, line 5 "52" should be replaced with "50".

At page 5, paragraph 22, line 4 "68" is not shown in the drawings suggest removing "68" or correcting drawings.

At page 6, paragraph 24, line 8 "94" is not shown in the drawings suggest removing "94" or correcting drawings.

Appropriate correction is required.

Claim Objections

Claims 1, 9, and 10 are objected to because of the following informalities:

At claim 1, line 11 the term "locking" should be inserted after both "first" and "second".

At claim 9, line 1 "of said bracket device" should be inserted following "each side".

At claim 10, page 10, line 6 "a lower end of" should be inserted following "outwardly from".

At claim 10, page 10, line 9 "one of" should be inserted following "connected to".

At claim 10, page 10, line 9 "section" should be replaced with "sections".

At claim 10, page 10, line 11 "inclined" should be inserted before "ramp".

At claim 10, page 11, line 12 "one of said terminal ends" should replace "said terminal end".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "said hole" in page 11, line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hancock, US Patent 5,377,555.

In regards to claims 1-6, Hancock shows a steering column assembly comprised of a compression bracket (6, 22) for attachment to a vehicle body (5); an adjustable steering column assembly (3, 16) movably supported by the compression bracket (6, 22) for longitudinal adjustment along a longitudinal axis; a pair of locking elements (10, 13) operably connected to the compression bracket and movable between a locked position (10C) and a released position (10B); the first locking element (10) presenting a detent recess (10C) and the second locking element (13) being movable between the locked position (10C) in engagement with the detent recess (10C) and a released position (10B) out of engagement with the detent recess (10C); the first locking element (10) including an inclined ramp (10A) extending from the detent recess (10C) to facilitate movement of the second locking element (13) into the detent recess (10C); the compression bracket (6, 22) having bracket sections disposed on opposite sides

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of the column assembly (3, 16) and the first and second locking elements (10, 13) interconnect the bracket sections for moving the sections into clamping engagement. Hancock further shows the assembly including a shaft (15) extending through the bracket sections of the compression bracket (6, 22); the second locking (13) includes a bracket device (13) and a roller (11) rotate-ably connected to the bracket device (13) for rolling over the inclined ramp (10A) into and out of the detent recess (10C); the bracket device (13) being pivotally connected to the shaft (15) for moving the roller (11) in an arcuate path (See Figure 3). It is noted that the rollers (11) of Hancock are moved in an arcuate path across the top surface of the first locking element (10).

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hoblingre, US Patent 5,165,720.

In regards to claim 1, Hoblingre shows a steering column assembly comprised of a compression bracket for attachment to a vehicle body; an adjustable steering column assembly movably supported by the compression bracket for longitudinal adjustment along a longitudinal axis; a pair of locking elements (12, 13, 16) operably connected to the compression bracket and movable between a locked position and a released position; the first locking element (16) presenting a detent recess (16a) and the second locking element (12, 13) being movable between the locked position in engagement with the detent recess (16a) and a released position out of engagement with the detent recess (16a) (See Figures 1-3).

Allowable Subject Matter

Claims 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kuroumaru et al., Kinoshita et al., Hayter, Klukowski et al., and Hoblingre all disclose similar devices.

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Oxley et al. disclose a similar device which in an alternate embodiment may be actuated electrically by means of a solenoid.

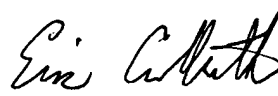
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barry J Gooden Jr.
Examiner
Art Unit 3616

BJG


ERIC CULBRETH
PRIMARY EXAMINER